# SPEECH

OF

# JEFFERSON DAVIS, OF MISSISSIPPI,

ON

# THE OREGON BILL.



DELIVERED IN THE SENATE OF THE UNITED STATES, JULY 12, 1848.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to establish the Territorial Government of Oregon.

The question being on the amendment of the Senator from Mississippi, (Mr. DAVIS,) he said:

Mr. PRESIDENT: Shall jealousy, discord, and dissension, shall political strife, for sectional supremacy, be permitted to undermine the foundation of our republican fabric? Shall an interference with the domestic affairs of the people in one portion of our Union, wounding to their pride and sensibility, and unwarranted by the compact of confederation, be pressed, to the destruction of that fraternal feeling and mutual confidence, on which alone can our institutions securely repose? Shall a discrimination against one section of the confederacy, the palpable object of which is totally to destroy political equality, be sanctioned by the common agent of the States, and receive here an impulse to hasten its progress, to the inevitable goal of such a principle—the disunion of the States?

These, and such as these, are the grave, the melancholy questions which arise from the consideration of this bill and the character of the discussion we have heard upon it. Happy, thrice happy, will it be if the answers to these questions shall be given by a lofty patriotism and enlightened statesmanship, which, disregarding the passions of the hour, look to the general welfare and the permanent good. But, if personal considerations govern our actions, if each Senator reflects the prejudice and extreme opinion which may exist in the section he represents, then it may be our lot to witness the fulfillment of the foreboding fear of Mr. Jefferson, when such agitation as that which surrounds us caused him to express the apprehension, that the sacrifices of the generation of 1776 had been made in vain.

Deeply impressed with the gravity and importance of the subject, I shall offer my opinions dispassionately and candidly, briefly and decidedly, as the occasion requires and my deep rooted love of the Union demands.

I consider the 12th section of this bill, to establish a Territorial Government in Oregon, to be practically the abolition of slavery in said territory by the government of the United States; and seeing no adequate disposition to strike that section out of the bill, I introduced the amendment now under consideration. To this I was prompted by a sense of duty to myself, of duty to those whom I have the honor to represent, of obligation to the principles avowed as the basis of my political creed; and which are the cardinal points by which my political course must be directed. This amendment has received an interpretation which its language in no degree justifies. To this misconstruction I will first call attention, as upon it rests a position, assumed in several quarters, which it is important to combat. Senators have treated this amendment as a proposition to force slavery into the Territory of Oregon. Sir, I had no such purpose, no such desire; and, surely, the most ingenious must fail to extract any such intent from its letter. It is but a distinct avowal of the ground uniformly maintained by all statesmen of the strict construction school, and adhered to by Southern men generally throughout the entire period of our confederate existence. Its direct aim is to restrain the Federal Government from the exercise of a power not delegated, its ultimate effect to protect those rights which have been guarantied by the Federal Constitution. The amendment is in these words:

"That nothing contained in this act shall be so construed as to authorize the prohibition of domestic slavery in said Territory whilst it remains in the condition of a Territory of the United States."

There is nothing directory, or enactive, or proposed for enactment. It is restrictive, and directed against a prohibition which is covertly contained in the bill. Though it is not expressly declared that slavery shall be prohibited in Oregon, this would be virtually enacted by the 12th section of the bill which gives validity and operation to the laws enacted by the "provisional government established by the people" who inhabit that Territory. It is known that one of the laws passed by the people of Oregon prohibits slavery. To give validity to those laws is therefore

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equivalent to the passage of a law by Congress to prohibit slavery in that Territory. Does Congress possess such power?

If the right to migrate with their property to territory belonging to the United States attaches equally to all their citizens; and if, as I have been credibly informed, citizens have migrated with their slaves into Oregon; to pass the bill before us without amendment would be abolition of slavery by the Federal Government. Entertaining this opinion I submitted an amendment to meet the case distinctly and singly. Now, for the first time in our history, has Congress, without the color of compact or compromise, claimed to discriminate in the settlement of Territories against the citizens of one portion of the Union and in favor of another. This, taken in connection with all which is passing around us, must excite the attention of Senators to the fact, and forces on my mind the conclusion that herein is sought to be established a precedent for future use. Here upon the threshhold we must resist, or forever abandon, the claim to equality of right, and consent to be a marked caste, doomed, in the progress of national growth, to be dwarfed into helplessness and political dependence. As equals the States came into the Union, and, by the articles of confederation, equal rights, privileges, and immunities were secured to the citizens of each; yet, for asserting in this case that the Federal Government shall not authorize the destruction of such equality, we have been accused of wishing to claim for the citizens of the Southern States unusual rights under the Constitution. This accusation comes badly from those who insist on provisions for exclusion; and cannot find its application to a demand that nothing shall be done to affect the constitutional relations of citizens or the constitutional rights of property. We do not ask of the Federal Government to grant new privileges, but to forbear from interfering with existing rights; rights which existed anterior to the formation of the Constitution, which were recognized in that instrument, and which it is made the duty of the Federal Government, as the agent of our Union, to protect and defend.

Such obligations as belong to other species of property, nor more nor less, we claim as due to our property in slaves. Nor can this claim be denied without denying the property-right to which it attaches. This, it has been contended, is the creation of local law, and does not extend beyond the limits for which such laws were made, and, with an air of concession, we are told that it is not proposed to interfere with slavery as it exists in the States, because the Constitution secures it there. Sir, slavery is sustained but was not created by the local law of the States in which it exists; nor did those States ask of the Federal Government to secure or maintain it within their borders; beyond their own jurisdiction, and there only, could the protection of federal laws be required. Before the formation of our confederacy slavery existed in the colonies, now the States of the Union; and but for the Union of the States, would have no legal recognition beyond the limits of the territory of each. But when the fathers of the Republic had achieved its independence, they sought to draw closer the bonds of union, and to remove all cause for discord and contention. For this holy purpose, they met in council, and formed the Constitution under which we live. This compact of union changed the relation of the States to each other in many important particulars, and gave to property and intercourse a national character. Property in persons held to service was recognized; in various and distinct forms it became property under the Constitution of the United States, was made co extensive with the supremacy of the federal laws, its existence subject only to the legislation of sovereign States possessing powers not drawn from, but above, the Constitution. Thus provision was made for the recovery of fugitive slaves, and the question of right to such property as absolutely precluded, as the guilt or innocence of one charged with "treason, felony, or other crime." In both cases it is made the duty of the State authorities to deliver up the fugitive; on demand of the State from which the felon fled in the one case, and of the person to whom the service is due in the other.

By the 2d section of the fourth article of the Constitution, it is provided that—

"A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime."

"No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."

Thus was the property recognized, and the duty to surrender it to the claimant made as imperative as in the case of fugitives from State authority and law.

This property was further recognized by including it in provisions which are only to be drawn from the power to regulate commerce. By the 9th section of the 1st article of the Constitution, it is provided that—

"The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person."

Could there be a more distinct recognition of the property-right in slaves? Here is not only a permission to import, but a duty to be laid upon them as a subject of commerce. The fact that

an exception was made against the entire control of such importotion by Congress, is conclusive that but for such exceptions, it would have been embraced in the general grant of power to the Federal Government to regulate commerce. If the framers of the Constitution had intended to recognize no other than the right to recapture fugitives—if they had denied the existence of property in persons, they surely would not have used the word importation, as found in the clause of the Constitution just cited. In further support of this opinion, I would refer to the fact that exception was so strictly construed, that laws prohibiting such importation into territories not included in the exception were enacted. I was, therefore, surprised that the Senator from New York should have cited as a proof of power of the Federal Government to legislate on the subject of slavery in the Territories, the law to prohibit the importation of Africans into the Mississippi Territory before the year 1808. That Territory was not included in the exception which restrained the Federal Government from prohibiting the importation of slaves before 1808; therefore it was exercised under the general power over the subject, as a matter of commerce. Upon this power over commerce, and of the property nature of the persons so considered, must rest all our laws for the abolition of the foreign slave trade To deny this general basis, would draw after it the sequence that all our laws npon that subject were enacted without any grant of authority, and were therefore unconstitutional. Nor is it thus alone that this property in persons has been recognized. During the Revolution, and by the men who framed our Declaration of Independence, throughout all the States of the Confederacy, the propriety of refusing liberty to a certain caste of persons was admitted, and in the earliest legislation under the Constitution, those to whom the services of such persons were due were denominated their "owners."

In the treaty of peace which closed the war of our revolution, the phrase "negroes, or other property," shows the position assumed upon our side, as well as the admission made by Great Britain that the persons so referred to were recognized in their character as property. Again, in 1815, after the adoption of the Constitution, the same construction was explicitly admitted in the treaty of Ghent, in the first article of which we find the expression, "any slaves or other private property." With what propriety—with what fairness can it now be assumed that that which we have called property, and negotiated upon as such in our diplomatic relations and international acts, from the birth of the Republic down to 1815, has no existence among the States of the Union—no claim to recognition or protection beyond the limits of the States where it is ordained and sustained by local law. The Constitution recognized slavery—by it the Federal Government was constituted the agent of the States—entrusted with the power of regulating commerce with the States, and with the conduct of all foreign relations. In the discharge of its appropriate functions, the Federal Government, as shown above, has maintained this property right against a foreign power, and it is equally bound to defend it, within the limits of federal jurisdiction, against the encroachment upon its security and use, as guarantied by the Constitution.

To those who argue against this extension of the property in slaves beyond the limits of the States which they inhabit, as an unequal obligation or unusual right, I will render the admission, that but for the Constitution, the right to property in slaves could not have extended beyond the State which possessed them. But gentlemen should recollect that all the territory northwest of the river Ohio, from which five non-slaveholding States have been carved, was originally the property of Virginia, and but for the compact of our Union, the institutions of that State would have been extended over it. This territory, thus interposed between the Northern Atlantic States and the vast region which has been acquired west of the Mississippi, must have prevented those States from all such acquisition. How, under this contingency, would have been the relative size of the slave and non-slaveholding territory? The answer to this inquiry should silence complaint of advantages accruing to the South from the guarantees of the Constitution.

To avoid the possibility of misconstruction, I repeat that we do not seek to establish slavery upon a new basis; we claim no such power for the Federal Government. We equally deny the right to establish as to abolish slavery. We only ask that those rights of property which existed before the Constitution, and which were guarantied by it, shall be protected. If it can be shown that the Southern States would, as independent sovereignties, have possessed no right of extension, or that the right of territorial acquisition was transferred to the Federal Government, subject to the condition that it should be used for the benefit of the northern States exclusively, then we will have what has not yet been presented, a foundation for the assumption that from all territory thus acquired, slavery or involuntary servitude should be forever excluded. Sectional rivalry, stimulated by the desire for political aggrandizement, party zeal, local jealousies, and fanaticism, maddened by recent success, have each brought their contribution to the mass of assertion, which has been heaped upon the claim of the South, to an equal participation with the North in the enjoyment of the territory belonging in common to the States. But assertion is not proof, abuse is not demonstration; and that claim sustained by justice, and supported by the staff of truth, stands yet unbent beneath the mountain of error which has been accumulated upon it.

The various modes which have baen proposed to exclude slaveholders from entering territory of the United States with their property, may be referred to three sources of power; the Federal Government, the territorial inhabitants, and the law of the land anterior to its acquisition by the United States.

The Federal Government can have no other powers than those derived from the Constitution. It is the agent of the States, has no other authority than that which has been delegated, cannot by the character of its creation and the nature of its being have any inherent, independent power. To the Constitution, as the letter of authority for this federal agent, we must look for every grant of power. All which is not given is withheld, all which is prohibited is doubly barred. It is not to be supposed that the sovereign States when forming a compact of Union would confer upon the agent of such compact a power to control the destiny of the States, nor is it in keeping with the avowed objects, "to insure domestic tranquility, provide for the common defence, and promote the general welfare," that it should be used to disturb the balance of power among the States. Were one portion of the Union to increase whilst the other remained stationary, the result would be reached in the course of years which led to the war of our Revolution, and the separation of the colonies from the mother country. What would it profit a minority to have Representatives in Congress, if opposed to a majority of mastering strength, and of will, as well as power to sweep away all the protecting barriers of the Constitution. It was not for representation in Parliament, that the fathers of our Republic dissolved the political bands which connected them with the parent government; but to maintain the freedom and equality which could not be secured by a hopeless minority in common legislation; to defend their inalienable rights from aggression by those who were irresponsible to them, that they pledged their lives, their fortunes, and their sacred honor. To such men it was of paramount importance in forming a General Government to guard against interference with domestic institutions, and to preserve such equality among the different sections and interests, as would secure each from aggression by the others. This purpose is deeply graven on the Constitution, pervades it as a general spirit, and appears both in its grants and prohibitions. Thence arose the different basis of representation in the two Houses of Congress, thence the Executive veto, the limitations on the power to regulate commerce among the States, the prohibition against interference with private property, against discrimination in favor of one port over another, the partial representation of persons held to service, and the many other provisions which will occur to Senators, illustrative of the design to preserve such equality as is necessary to prosperity, to harmony, to union among sovereigns.

The right of the Federal Government to legislate for the territories has been claimed from two sources of power, the grant to Congress "to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States," and as a power necessarily incident to the right to acquire territory. The power drawn from the first mentioned source is plainly a power over the territory as public land; the expression "territory or other property" shows the idea too distinctly to require elucidation. The territory belonging to the United Stetes at the formation of the Constitution was such as had been ceded by particular States as a common fund of the Union. The Federal Government, as agent of the States, was charged with the disposal of public domain, under the needful rules and regulations which Congress were authorized to make. The source from which this addition to the common stock was derived, the object for which it was given, the conditions of the cession, all unite with the general provisions of the Constitution to forbid the idea of a transfer of absolute powers of legislation, as the existence of a power in the Federal Government to make laws for the territory which would affect the political rights or interests of the States. The laws of Congress in relation to territory belonging to the United States must be "needful" to execute the trust conveyed by the States; and none of the grants of the Constitution are to be so "construed as to prejudice the rights of the United States or of any particular State." To promote the sale of the public land where no settled government exists, it may be claimed as an incident to the power to dispose of such property, that Congress should provide for courts and such government generally, as will give security to settlers, and certainty to titles in the region to which we invite emigration.

Thus far the powers of a trustee may properly extend; thus far the agent may go in good faith to those to whom he acts; the sovereignty still remaining, where alone it can reside, in the States to whom the territory belongs. It will probably not be contended that to exclude a portion of our citizens, or to prohibit a certain kind of property, is a "needful regulation" for the disposal of public lands; certainly such a position could not be maintained, and those who contend for the power of Congress to prohibit slavery in the territories, have usually relied upon the second source of power, the right of acquisition.

Before considering how much may be derived from that right, it might have been well to examine into its existence, and inquire to whom its benefits attach. The power to admit new States into the Union was conferred by the Constitution; but not to acquire territory as such. The former was a power properly conferred upon a confederation which looked to the addition of new members; the latter belongs to sovereignty, and can be possessed by nothing less. The right to acquire belonged to the States as an inherent right of independent existence, one which attaches to all bodies animate and inanimate. Stones gather accretions, vegetables collect increments, animals assimilate food and incorporate it with their bodies; by like operation of this general law, the States, as independent sovereigns, had a right to acquire. But the means of acquisition, the war and treaty making powers, were entrusted to the Federal Government. The right to acquire was not delegated, save as the means were to be used by the Federal Government, and therefore

the acquisition must enure to the benefit of the States in whose right alone it could be made. The power to govern as an absolute, ultimate authority remains in the States, and their agent can only exercise so much of that power as has been granted. Our legislation for the Territoay must, if this view be correct, be drawn from the specific grants, and be subject to all the limitations and prohibitions imposed on them by the Constitution. The rule that the right to acquire carries with it the right to govern, receives a modification in its application to the Federal Government, in this, that it acquires as agent for the States, by the blood or common treasure of the States, or as in past cases by a cession for the common benefit of the States, and can, therefore, only govern as authorized by the sovereign owners of the territory.

The question, then, is reduced to this: has the Federal Government, under the grants of the Constitution, power to prohibit "slavery" in the Territories of the United States? The right to property in slaves being recognized by the Constitution, this question is convertible into another: has the General Government the right to exclude particular species of property from the territory of the United States, and thus confine the enjoyment of its advantages to a portion of their citizens? A proposition so repugnant to justice, so violative of the equal rights which every citizen of the United States has in the common property, so destructive of the equality in privileges and immunities secured by the Constitution, would seem to be answered by its statement. Yet palpable as the outrage appears, it has been perpetrated in legislative resolutions by eleven States of the Union, bound by the federal compact to recognize the co-equality of the States; and repeatedly asserted by Senators in this chamber, pledged to maintain the Constitution. This Federal Government, designed to render more perfect the union of the States, and to promote their common defence, is thus to become the most formidable enemy of some, the great seedsman of discord among all.

The union of the States into one Confederacy gave no power to destroy local rights of property, or to change the condition of persons; but much to protect and preserve the existing rights of property and relative condition of persons, by extending the limits of their recognition, and enlarging the provisions for their security. Thus the Federal Government cannot take "private property" except for "public use," and by making "just compensation" therefor; the States cannot pass laws to impair the obligation of contracts; duties cannot be imposed on articles of commerce passing from the limits of one State to another; nor apprentices, indented servants, or slaves, by escaping into another State, be discharged from their obligations under the laws of that from which they fled. In these, and similar instances, the Federal Government can do and has done such which is beyond the power of a State, to protect and enlarge the value of property. To determine what shall be property, what the condition of persons, are functions of sovereignty beyond its delegated authority, which can only be exercised by a sovereign State within its limits, and beyond that, by the majority of States required to amend the Constitution. I deny, then, that the Federal Government may say to any class of citizens, you shall not emigrate to territory which belongs in common to the people of the United States; equally deny, that it can say what property shall be taken into such territory, or legislate so as to impair, after his arrival in the territory, any of the pre-existing rights of the emigrant to the property he may carry with him. Many of the reasons and principles presented to establish the absence of power in the Federal Government to exclude slavery from territory belonging to the United States, bear with like force against the second class of opinion—that the power rests in the territorial inhabitants. In the unwearied seach of those who, from the foundation of our Government, have sought in every quarter for the fountains of power by which the sovereignty of the States might be submerged, this, until recently, remained undiscovered. When territorial governments were first established in the Territories, now the States of the northwest, a very different doctrine obtained, and quite opposite was the practice under it. There, though the foreign inhabitants were mainly those who had taken part with us in the wars against Great Britain, they were not considered so capable of self-government as to be entrusted with the powers of local legislation, and the restricted governments established in Indiana and Michigan were required to adopt the laws of some State of the Union for their rule and government. Thus, in relation to French settlers at Vincennes, and Canadian refugees in Michigan, it was decided. Now, sir, for whom is it proposed to reverse the decision, not only so far as to recognize local legislation, but to admit the power to pass fundamental laws controlling the action of Congress, and determining the future policy and institutions of Oregon?

For a small settlement, composed, to a large extent, of the late dependents of the Hudson's Bay Company, subjects of the British crown, the very men who were arrayed against us to dispute our right to the soil, the same who, by fraud and violence, wrested from our citizens their property and possessions on the Columbia river; the same who, in violation of the faith of our treaty with Great Britain for the joint occupancy of Oregon, made regulations, the effect of which was to destroy the valuable furs in that portion of the country which they expected to become exclusively the property of the United States, whilst they were preserved in that which was expected to pass at a subsequent day to the sovereignty of Great Britain. So much for those who formed a large, if not controlling part of this population of Oregon when this policy of excluding slavery was adopted there. Shall they be permitted to sit in judgment on the con-

more than this it cannot claim. In referring to the early legislation of Congress in relation to territories, I have not been able to perceive the general application of more than one principle, which is that a territory, politically considered, should be treated as an embryo State, therefore the guards thrown around it have been mainly those which would prepare it for a republican form of government. This being the only restriction which Congress is authorized to impose on the constitution of a new State at the period of its admission into the Union. In the organization of territorial governments in the earlier days of our Republic, we find no attempts by Congress to legislate for them. Where powers of legislation were not conferred upon the territorial inhabitants, their laws were to be adopted from the statutes of some State in the Union; and to show that no claim was set up by the Federal Government to regulate property or change the condition of persons, I would refer to the States formed out of the Northwest Territory, over which the often cited ordinance of 1787 was extended. There we find, notwithstanding the provisions of that ordinance, that slavery continued to exist; as to some extent it still exists, in the State of Illinois. In the act of 1793 passed to carry out the ordinance of 1787, the following language occurs: "Where a person held to labor in any of the United States, or in either of the territories on the northwest or south of the Ohio, under the law thereof," &c., which is a distinct recognition by Congress of the existence of slavery in the territory covered by the ordinance of 1787; and is conclusive against the pretension here set up, that by the ordinance of 1787, the power to prohibit slavery in the territories was claimed, exercised, and admitted. The whole extent and force of precedents upon this subject, have been so fully and ably investigated by others who have spoken on the same side of the subject with myself, that I will not pursue this branch of the investigation further. I therefore dismiss it with the remark, that whatever of validity they possess, is to be drawn from the idea that each was a compact ratified by the acquiescence of the States, and can have no other application than to the particular case for which each was formed. There is, however, a marked difference between territory acquired by joint efforts or common treasure of the States, and that which was derived by the cession of a particular State. In the former case the sovereignty attaches to the States of the Union by the fact of acquisition, and no other functions could be vested in the Congress than those derived from the Constitution. In the latter, sovereignty and jurisdiction could be transferred in any form which it might please the giver and the receiver to adopt it. If, then, Virginia or Georgia has conferred upon the Federal Government higher powers than would necessarily belong to its character of trustee for the public domain, it could not thence be inferred that equal powers would be possessed over territory acquired in common by the States. Thus the legislation in one case would form no precedent for the other, because of the different sources of authority. In this connexion, I will notice a position taken by the Senator from Massachusetts in relation to the cession made by Virginia of the territory northwest of the Ohio river. He assumes that it was made to preserve the existing ratio between the slave and non-slaveholding States. If, sir, I have the history of that transaction aright, it was founded on far more noble considerations, upon motives alike honorable and patriotic in the State which ceded, and in those which demanded the cession; it was to preserve that just relation between the confederates, of which was deemed essential to preserve the equality of the States, the prosperity, the perpetuity, and the harmony of the Union.

The States of Maryland and Delaware objected to the articles of confederation because of the immense territory held by Virginia, maintaining that it gave her a controlling power which might be destructive of the prosperity of the smaller States, as it would be subversive of the equality essential to the confederacy of sovereigns. In the act of New Jersey for ratifying the articles of confederation, this objection was noticed, and their delegates instructed to sign the articles, "in the firm reliance that the candor and justice of the several States will, in due time, remove as far as possible the inequality which now subsists." The Legislature of Delaware passed resolutions, one of which contained the following:

"That this State thinks it necessary for the peace and safety of the States, to be included in the Union, that a moderate extent of limits should be assigned for such of those States as claim to the Mississippi, or South Sea," &c.

In 1779 the delegates from Maryland laid before Congress the instructions of their General Assembly. That paper was an able argument against the propriety and justice of the extensive claims of some of the States to the western territory—strongly exhibited the political and financial evil which would probably result from the admission of them, and after asserting the right of all the thirteen States to the unpeopled territory as a common property, declared:

"We have coolly and dispassionately considered the subject; we have weighed probable inconveniences and hardships, against the sacrifice of just essential rights; and do instruct you not to agree to the confederation, unless an article or articles be added thereto in conformity with our declaration."

It does not appear that any question of domestic institutions influenced the action of the States upon this subject; indeed, an opposite conclusion is forced upon us by the character of the parties by whom the cession of this territory was insisted on. Slave States cannot be supposed to

have insisted on a cession of territory, that the power of the non-slave States should be increased. Who, then, looked to the ignoble war of sections, which it has been our shame and misfortune to witness? Who, then, would have consented to any measure which looked to the reproduction of that inequality, the revival of that interference with the domestic affairs of the States, which had caused the revolution?

The reason most strongly urged was the injury likely to result to some from the disproportionate power of others, the object most sought was the security which would result from equality. In keeping with these, the Congress of the Confederation, in 1780, took into consideration the addresses of the different States on the subject of the western territory, and recommended to

"Those States which can remove the embarrassments respecting the western country, a liberal surrender of a portion of their territorial claims, since they cannot be preserved entire without endangering the stability of the general confederacy."

And resolved,

"That it be earnestly recommended to those States who have claims to the western country to pass such laws, and give their delegates in Congress such powers, as may effectually remove the only obstacle to a final ratification of the articles of confederation."

By force of such appeals, urged by the conviction that it was necessary to place the Federal Union on a permanent basis, and to make it acceptable to all its members, Virginia, with that devotion to the common good which became the land of Washington and Jefferson, ceded her rich birth-right, the vast territory from which has arisen the five Northwestern States of our Union. This surrender of individual interest to the general welfare—this concession to secure the tranquility of the States, marked by a dignity and patriotism in the contemplation of which paltry struggles for political advantage should be forgotten, is now cited as a measure for the apportionment of strength to the slave and free States, as contending parties. With what probability can it be argued that Maryland would demand or Virginia give, for such a purpose?

No, sir, it was fraternity, not strife—it was the general good, not sectional advantage—it was the sovereignty, the equality, and the prosperity of all the States, for which the men of the Revolution made their sacrifices, both of war and of peace. It was to perfect the confederation, to remove the distrust and dissatisfaction of slaveholding States, that Virginia ceeded the northwestern territory to the common stock of the Union. And this act of magnanimity, of generous confidence, is now cited as authority against those who were weakened by it. Nor is it in this case alone that the South may complain of such injuries and unfair construction. In every instance concession has been made the basis of aggression, and the language of conciliation has been answered by objurgation and abuse. The right to representation in proportion to population was waived so far in relation to slaves, as to exclude two-fifths of their number, yet those who have the advantage of this concession, those who deny that there can be property in persons, are those who attack this compromise of the Constitution, and denounce it as an unequal privilege bestowed on the property of the South. The partial representation of slaves is in accordance with their mixed character, being both persons and property; but with much more reason might it be contended that they were entitled to full representation in the Federal Government than to no representation at all. Indeed, if the South had yielded no claim to full representation in proportion to the number of slaves, how could those who deny that there can be property in persons resist such claim. Population is the basis and the measure of federal representation. Representatives are assigned to numbers, not to white men, nor to citizens, nor to voters. Each State fixes its own standard of citizenship, and no State has a right to inquire what amount of political privileges are enjoyed, or what may be the condition of the inhabitants of another.

The partial representation of slaves is a compromise of the Constitution, a concession made to northern delegates who opposed their represention on the ground that they were chattles. The argument is changed but the opposition continues. There is another concession which has been often referred to in this debate, the Missouri compromise.

With the right to extend slavery into any portion of the territory of Louisiana, secured by the treaty of acquisition, there was, nevertheless, a fierce resistance against the admission of Missouri into the Union as a slaveholding State. During its territorial condition the right had been unquestioned—the controversy only arising in view of the political power which would attach to a sovereign State. I will not dwell upon the nugatory character of any law which should attempt to control the domestic institutions of a State, but pass to the result of this controversy about the admission of Missouri. Again, the South, in the spirit of concession which had marked the conduct of her sons at a former period, surrendered their unquestioned and unquestionable right to extend slavery over the whole of that territory which had been acquired under the name of Louisiana, and agreed, except within the limits of Missouri, to confine it to the south side of the parallel of latitude 36° 30′ north. Again was sectional interest abandoned to the hope of permanently establishing tranquility in the Union. If that hope is now to be destroyed, it will be by those who derived all the benefit from the compromise—not by those who waived by it a portion of their rights, and who are now willing to extend its provisions, if fairly applied, to all other territory, though the division which would thence follow would give to the South less than a

fourth of the territory which would fall to the North. In the compromises of the Constitution, and the concessions which have followed its adoption, the advantages have mainly accrued to the North; yet the South has steadily and faithfully observed them. Can as much be said of the North? The Constitution recognizes the institution of slavery, which thence acquired a general, instead of its previous merely local character. It was made the duty of the State authorities to deliver up fugitive slaves to their owners, and the free commerce among the States secured to each citizen, was a prohibition against State legislation to disturb the right of the master to pass from one State to another with his slave property. The duty has been neglected, the right has been obstructed, slaves have been torn from their masters when exercising the right of every American citizen to pass from one part of the Union to another, the magistracy have stood silent when these outrages were perpetrated, and the legislation of three States, instead of looking to prevention and punishment of said cases in future, have enacted laws best calculated to magnify the evil. Even here in the course of debate it has been asserted that, to carry a slave out of the limits of the jurisdiction of a State in which slavery is recognized, emancipates him. If that were true, the recognition of slavery by the Constitution would be a nullity. The master who, in discharge of a duty to the Government, should enter an arsenal or dock yard under the exclusive jurisdiction of the United States would thereby lose the right to property in his slave. Or, if he should sail from Norfolk to New Orleans by going to sea, he would pass beyond the jurisdiction of a State, and thus incur the forfeiture. Beyond the limits of a State, whether in territory or on the deck of an American vessel, the Constitution and laws of the United States follow our citizens and protect their property. The recognition of slavery by the Constitution, therefore, presents a case arising here, in a very different view from one in Great Britain. The difference destroys the value of the argument based on British practice and analogy.

Eleven States of the Union have spoken through their Legislatures against the further extension of slavery, with the clearly indicated, sometimes even expressed intention thus to prepare the way for a more direct and fatal attack upon the institutions of the South. When we are told that slavery is an "immense moral and political evil, which ought to be abolished as soon as that end can be properly and constitutionally attained;" when we are admonished of the design "to resist the admission of any new State into the Union while tolerating slavery," he must be blind, indeed, who does not see the purpose, by thus forbidding the growth of the slaveholding States, and devoting all our vast territorial domain, to the formation of those in which slavery is forbidden; to obtain in the future such preponderance of free States as will enable them constitutionally to amend the compact of our Union, and strip the South of the guarantics it gives.

If factious opposition and sectional disregard of the common good have been able thus to obliterate the great landmarks, equality among the States and non-interference with domestic affairs, in so brief and such partial enjoyment of power, how can we expect moderation and forbearance when swelled to a three-fourths majority? Those who seek to appropriate our territories to the exclusive formation of non-slaveholding States, must not hope by catch words, and abusive epithets against slavery, to conceal their real purpose, the political aggrandizement of the North.

Was their object the benefit of the slaves; did they seek, as a paramount object, their emancipation, the policy would certainly be the reverse; instead of confining, to disperse them. Nothing can be more plain than that if confined to a small space, they must accumulate in the hands of a few, and, if dispersed, that they must have many masters. Whatever there is of harshness, arises from their accumulation, so that the master and slave are necessarily separated, and the latter placed under the authority of a hired agent. Whilst the number owned by one person is small, he has immediate charge of them; from their daily intercourse, permanent connection, and real identity of interest, arise those kindly relations usual in such condition. The power to oppress dependents exists in all countries, and bad men every where abuse the power. In no relation which labor bears to capital, is such oppression better guarded against than in that of master and slave. There is in it all which naturally excites the forbearance and kindness of the generous and the good; and this failing, there are considerations of interest, of pecuniary advantage, to restrain the sordid and the vicious, which do not exist in cases of hired laborers. To confine slavery to a small district, would go further than any other means to strip it of its kind paternal character; when the master would no longer know his slave; when the overseer would have the proprietor's power, then would disappear many of the features which commend it to those who have been reared amidst it. Then would cease the moral and intellectual progress of the slave; then would steadily diminish the feelings promotive of emancipation, and the power to effect it. It has been from the association with a more elevated race, that the African has advanced; it has been from their mutually kind offices that the master has, in many instances, liberated his slave as a mark of affection; for this association and for this feeling, it is required that there should not be a great disproportion in the number of the races where they reside together. The power to emancipate must depend upon property considerations and upon public policy conjointly. A large community of free men would have the pecuniary ability to emancipate a small number of slaves, the reverse would be beyond their power. Upon a large territory, a few blacks might be turned loose without injury to the progress of society, but on a

small territory a large number of blacks could only be released by surrendering the country to them. If then, as proposed, slavery as it exists among us should be confined to the States in which it now exists, the consequence will be, not its extinguishment, but its perpetuation. Each State, when it finds within its borders as many Africans as safety and policy will permit, will enact laws to prevent their further introduction; the tide which has flowed regularly on from New England to Texas, will be checked, and they will thenceforward continue to accumulate, and when they reach the density which renders involuntary labor no longer profitable, they must still be held, from the impolicy of liberating them in the country, and the inability to send them away, the latter increasing in a compound ratio, because the augmentation of number will bring with it a diminution of profit from their labor. Gentlemen have spoken of the spirit of the age as opposed to slavery. Sir, I think there is no foundation for the presumption of moral change, but that all the changed action which has occurred is referable to density of population. It may be taken as a general rule that involuntary service is less profitable than voluntary labor, and there is a singular uniformity in the degree of density at which, in different countries, it has been abandoned. The villeinage of England and the serfdom of Russia, both becoming a burden to proprietors at the same point—that is, when the population reached the point of forty persons to the square mile. But our slaves are a distinct race, physically differing so much from ourselves that no one can look to their emancipation without connecting with it the idea of removal, separation of the races. When they cease to be profitable, we cannot, like the ancient Britons in the case of their villeins, say, be free, and see with the announcement all cause for distinction cease. Therefore, it is to be observed that those States of our Union who have passed acts of emancipation, have first found themselves nearly rid of the caste, or made their laws prospective, and so remote, that this result would be reached before the act went into operation.

With what justice or propriety do those who have availed themselves of the demand for their slaves in the more southern and sparsely settled States, now insist upon closing the door against their egress to newer countries, as the white population, gathering behind them, would press them still further on? They have sold their slaves when they ceased to be profitable, and slavery became to them a sin of horrid enormity when the property was transferred from themselves to their brother. Therefore they will confine it to the country in which it now exists, and deprive others of the means used by themselves, and which forms the only practicable mode of getting rid of it. To those who are sincere in their professions of a wish to banish slavery from the United States, and feel it is only to be effected by the voluntary action of those among whom it exists, I say, leave your territories open, and let the white race, as it flows in from the north, gradually, by its greater energy and intelligence, bear the African race before it to regions unsuited to the labor of the white man, as the tide bears the foam to the shore, and gives back to the beach the things which are its own.

The Senator from Vermont objects to the introduction of slave-property into territories, and says it should not be forced upon an infant community, but left to be adopted, if they desire it, when they have power to organize an independent Government. I have expressed my opinion of the constitutional rights of the holders of that property, and distinctly stated that I desire no congressional legislation beyond that which is necessary to secure those rights. Non-interference with the subject of slavery is our main position; and is equally opposed to force for or against it.

So far from perceiving the propriety of excluding slaves from infant communities, as urged in this debate, the experience of our pioneers, the condition of those who first grapple with the difficulty of taming the wilderness, furnishes a forcible illustration of the truth of the relation I have attempted to show exists between involuntary servitude and density of population. The hard necessity which maintais the power of capital over labor in old settled countries, is not known among the forest adventurers. The bond between the employer and the servant is therefore so weak that in the first settlement of a country, more than at any subsequent period, would involuntary servitude be advantageous and desirable. I can readily conceive that slaves would be taken into countries where they would cease to be profitable as soon as other labor flowed in. Such instances have occurred in our northern territories, and early emancipation was the result. Why is it assumed that slavery degrades labor, and its presence excludes the white laborer? It may be true as regards the whites and free blacks of the North, that they will not toil together. There is rivalry between them. But if thence a conclusion is drawn that the same condition exists in the slave States, it is false in reasoning and in fact. Slaves are capital, and in the mind of the master there can be no contest between capital and labor—the contest from which so much of human suffering and oppression has arisen. In slave States there is an equality among white men which cannot exist where the same race fill the places of master and menial.

The white laborer is elevated by having a caste below him. That he would not be excluded from territory by the presence of slaves, the constant emigration to the South from the non-slave States, conclusively establishes. No, sir; it is for no such reason that the present position is taken.

This opposition to slavery is political, and rapid are the strides it is making in aggression. The mighty State of New York is now convulsed to its centre—men who were justly entitled to the appellation of statesmen, in its most dignified sense—who have filled the highest stations of honor and trust, are now identified with a movement at war with justice—at war with the Constitution, and which, disturbing the tranquility of to day, will, if not checked in its onward progress, rench disunion to-morrow.. The time is not remote when an abolition meeting could not have been held in New York, but it has become political, and therefore this new form of the monster, duty, fraternity, faith, give way, and masses worship the idol without the fanaticism which alone could excuse the apostacy. With political abolitionists, what argument can avail? The security, the prosperity, the growth of a section only is considered; and all which would benefit those to whom they believe their interest opposed, must find therefrom resistence. Theirs is the policy so deeply and sadly deprecated by Mr. Jefferson, when he spoke of a geographical line coinciding with a marked principle, moral and political, which every new irritation would mark deeper and deeper. Theirs the policy which Mr. Monroe described in his letter to Mr. Jefferson as "an effort to give such a shape to our Union as would secure the dominion over it to its eastern section." That patriot statesman, in the same letter, as a justification for the treaty by which Texas was surrendered, describes the sectional struggle which existed at the time as so fierce and uncompromising, that it was necessary for the internal peace to make the sacrifices of the treaty; and draws from the contest the conclusion, "that the further acquisition of territory to the West and South involves difficulties of an internal nature, which menace the Union itself." This letter of Mr. Monroe, taken in connexion with that of Mr. Jefferson, to which it was a reply, shows how deep seated and extreme was the opposition at that day to the growth and prosperity of the Southern and Western sections of the Union. From the hazards which then impended over us, we were saved by the patriotic devotion of those Northern men, who sacrificed themselves for the peace and general welfare of the confederacy. Now, when like hazard and difficulty surrounds us, it is my pride and comfort to believe that like sacrifices, if necessary, will be made. To those who consider the Union worth preserving, it must be a primary object to give peace and security to its members. The pure and wise men who formed our Republic, foresaw what events have so clearly demonstrated, that these objects were only to be certainly attained by approximating equality among the sections, and leaving all domestic affairs entirely to the control of the States. This policy has been generally adhered to, by admitting alternately slave and non slaveholding States into the Union, and by affirming in solemn manner, at different periods in our history, the restricted character and general purposes of our Federal Government. Thus, on the 6th of January, 1838, the Senate of the United States, by a vote of thirty-one to eleven—

* * * "*Resolved* That it is the solemn duty of the Government to resist to the extent of its constitutional power, all attempts by one portion of the Union to use it as an instrument of attack upon the domestic institutions of another, or to weaken or destroy such institutions."

But ten years have passed since this declaration was made, yet mark how great has been the advance of aggression on the constitutional guaranties and principles of our compact, as at that day admitted. It is openly asserted, as a principle of action, that slaves shall be confined to the territory upon which they are now located, not for their benefit, but for the political advantage of the non-slaveholding States; or, in other words, to weaken, who can doubt, finally to destroy slave institutions. No longer is the claim to humanity set up, but the thirst for power goes step by step in this aggression with hostility to the African race. The Senator from New York, (Mr. Dix,) my friend who sits near me—and I do not use the phrase in a merely complimentary sense; in opposing the extension of slavery to wider limits, uses the following language:

"The tendency of the human race is to increase in a compound ratio of the extent and productiveness of the surface on which it is sustained. * * The multiplication of the human species is governed by laws as inflexible and certain as those which govern the reproduction of vegetable life. * * I believe it may be satisfactorily shown that the free black population in the Northern States does not increase by its own inherent force. * * Under the most favorable circumstances it is, and must continue to be, an inferior caste in the North. * * A class thus degraded will not multiply. This is the first stage of retrogradation. The second almost certainly follows. It will not be reproduced; and in a few generations the process of extinction is performed,"

And this is the moral teaching of those who assume to be our pastors, and offer their vicarious repentence for the sins of slavery. With surprise and horror, I heard this announcement of a policy which seeks through poverty and degradation the extinction of a race of human beings domesticated among us. We, sir, stand in such relation to that people as creates a feeling of kindness and protection. We have attachments which have grown with us from childhood—to the old servant who nursed us in infancy—to the man who was the companion of our childhood, and the not less tender regard for those who have been reared under our protection. To hear their extinction treated as a matter of public policy, or of speculative philosophy, arouses our sympathy and our indignation. If I believed slavery to be the moral, social, and political evil which it is described—if I believsd the advantage of rendering our population homogeneous to be

as great as it is asserted, not then—no, nor if both were ten times greater—would I be reconciled to such a policy for such a purpose.

It has been usual for Southern men to decline any discussion about the institution of domestic slavery, in the midst of which they have grown up, and of which they may be supposed to know something, however vituperative and unfounded the accusations made against it. Agreeing in the general propriety of this course, I nevertheless propose, on this occasion, to depart from the ordinary practice. The question is forced upon us by our Northern brethren to such extent that silence, if persevered in, might be construed into admission of the truth of their accusations. In debates of Congress, by the press, by legislatures of the States, in the pulpit, and in primary assemblies it has become customary to denounce slavery as a political evil, as a burden on the Government, as the sin and opprobium of the nation—as destructive of good order and human advancement, as a blighting curse on the section where it exists, and a gangrene, extending its baleful influence to every portion of the Union. Now, sir, upon what do these assumptions rest? Have we been less faithful as citizens—have riots, conflagrations, or destruction of private property been more frequent in the slave than in the non slave States? Have their churches been less harmonious, their divines less pious, their statesmen less eminent, their soldiers less efficient than yours? If not, then why this unwarrantable denunciation—why this unfounded assumption? If it be a sin, you are not otherwise involved than by your connection with its introduction—with its existence you have nothing to do. As owners of the commercial marine, you were the importers of Africans—you sold them in the South—you are parties to a compact which recognizes them as a property throughout the United States, and secures to their owners rights which, but for the confederation, would have been local. Show, then, your repentance, if you feel any, for having contributed to the increase of this property, by observing the obligations imposed by the circumstances of the case upon you; and the rights recognized in the fundamental, paramount law of our Union. The Constitution did not create the institution of domestic slavery—it was no part of the object for which it was formed, to determine what should be property, but an important portion of its duty to generalize and protect the rights of citizens beyond the limits of State jurisdiction. From this duty has arisen all the intermediate acts in relation to slave property, yet, at this late period of the practice under our Constitution, Senators assert that slavery is so purely local, that if a master pass with his slave into the limits of a State or territory where such property is not recognized by local law, the slave by that act becomes free. This is in keeping with the legislation of those States in which the legal and constitutional obligations to surrender fugitive slaves have been nullified. It is in keeping with the repeated declaration here, made with the condescending air of a sovereign granting a favor—that there is no intention to interfere with slavery as it exists in the States, but that its further extension cannot be permitted. Do Senators forget that this Government is but the agent, the creature of the States—that it derives its powers from them—not they their rights or institutions from it. Slavery existed in the States before the formation of the Constitution—it needed no guarantee within their limits—its recognition beyond this was part of the more perfect Union, as its protection against all enemies whomsoever is part of the common defence for which that Constitution was adopted. There is not a more prominent feature in the federal compact than the prohibition to the States to interfere with commerce. But if a citizen of Maryland cannot pass through Pennsylvania or Ohio, on his way to Kentucky or Missouri without submitting his property to the tests of those States through which he is merely travelling, the right to free commerce among the States has no practical value. The right to uninterrupted transit is not varied by the character of the property—the power is the same, whether the question arise upon a slave or a bale of goods. There is no discretionary power; and a total prohibition would be less offensive than an invidious distinction, claiming to spring from a moral superiority. Each State is responsible for its own institutions—the sovereignty and co-equality of all the States forbid the idea of moral responsibility on the part of one for the acts of another. If slavery be a sin, it is not yours. It does not rest upon your action for its origin, or your consent for its existence. It is a common-law right to property in the service of man—it traces back to the earliest Government of which we have any knowledge, either among Jews or Gentiles. Its origin was Divine decree—the curse upon the graceless son of Noah. Slavery was regulated by the laws given through Moses to the Jews. Slaves were to be of the heathen, and with their offspring to descend by inheritance: thus, in the main particulars, being identical with the institution as it exists among us. It was foretold of the sons of Noah that Japhet should be greatly extended, that he should dwell in the tents of Shem, and Canaan should be his servant. Wonderfully has the prophecy been fulfilled—and here in our own country is the most striking example. When the Spaniards discovered America they found it in the possession of the "Indians"—many tribes were enslaved, but the sons of Shem were not doomed to bondage—they were restless, discontented, and liberated because they were unprofitable. Their places were supplied by the sons of Ham, brought across the broad Atlantic for this purpose—they came to their destiny, and were useful and contented. Over the greater part of the continent Japhet now sits in the tents of Shem, and in extensive regions Canaan is his servant. Let those who possess the best opportunity to judge, the men who have grown up in the presence

of slave institutions as they exist in the United States, say if their happiness and usefulness do not prove their present condition to be the accomplishment of an all-wise decree. It may have for its end the preparation of that race for civil liberty and social enjoyment. Compare the slaves in the Southern States with recently imported Africans, as seen in the West Indies, and who can fail to be struck with the immense improvement of the race, whether physically, morally, or intellectually considered. Compare our slaves with the free blacks of the Northern States, and you find the one contented, well provided for in all their physical wants, and steadily improving in their moral condition; the other miserable, impoverished, loathsome from the deformity and disease which follows after penury and vice: covering the records of the criminal courts, and filling the penitentiaries. Mark the hostility to caste, the social degradation, which excludes the able from employment of profit or trust, and leaves the helpless to want and neglect. Then turn to the condition of this race in the States of the South, and view them in the relation of slaves. There no hostility exists against them—the master is the natural protector of his slave, and public opinion, common feeling, mere interest would not allow him to neglect his wants. Those who urge that exclusion of slavery from the territories does not exclude the slaveholder, because he may dispose of his property before emigration, show such inability to comprehend the attachment which generally subsists between a master and his slaves, that I will only offer to them interest as a motive for the care which is extended to those persons—securing comfort to the aged and to the infant, attention to the sick, and adequate provision to all. Such is the difference between the condition of the free and slave blacks under circumstances most favorable to emancipation. Does it warrant the desire on the part of any friend of that dependent race to hasten upon them responsibilities for which they have shown themselves so unequal? If any shall believe that the sorrow, the suffering, the crime which they witness among the free blacks of the North have resulted from their degradation by comparison with the white race around them, to such I answer, does the condition of St. Domingo, of Jamaica, give higher evidence? or do the recent atrocities in St. Martinique encourage better hopes? Sir, this problem is one which must bring its own solution, leave natural causes to their full effect, and when the time shall arrive at which emancipation is proper, those most interested will be most anxious to effect it. But as the obligation is mutual, so must the action be joint; and it is quite within the range of possibility that the masters may desire it when their slaves will object, as was the case when the serfs of Russia refused to be liberated by their landlords. Leave the country to the South and West open, and speculation may see in the distant future slavery pressed by a cheaper labor to tropical regions, where less exertion being required to secure a support, their previous preparation will enable them to live in independent communities. They must first be separated from the white man, be relieved from the condition of degradation which will always attach to them whilst in contact with a superior race, and they must be elevated by association and instruction—or, instead of a blessing, liberty would be their greatest curse. Under these considerations I cannot view the policy proposed to confine them to the present limits of the slave States, as having one point either of humanity or sound policy to recommend it, or that it can do otherwise than perpetuate slavery even beyond its natural term in the States where it now exists.

When the colonies made common cause against the parent country and conquered their independence, no one State claimed the right to interfere with the domestic affairs of another; each was recognized sovereign within its limits, and all were disposed to respect the rights and feelings of each; had it been otherwise our confederation would never have been formed. This is changed, and strange as it may appear, the change follows the action of the very Government whose interference with the domestic affairs of the colonies led to the Revolution, stranger still the first State to follow, is the same which was most oppressed in the colonial condition, and to her honor be it remembered, first raised the standard of revolutionary resistance.

When it was discovered that colored foreigners (from St. Domingo) had instigated the blacks of Charleston to murder the whites and burn the city, as a measure of policy warranted by humanity and necessary precaution, a law was passed to exclude foreign colored persons from the city. For fourteen years this law was enforced without objection; then came British emancipation in the West Indies, British agitation, British publications against slavery, and then for the first time Massachusetts discovered that a duty was imposed on her to resist a law necessary to protect the lives and property of those for whom it was passed; a police regulation not directed against her inhabitants, but general in its effect and unmistakeable in its purpose. In the day of her colonial tribulation, Massachusetts sent an ambassador to South Carolina, she now sent another, but how different the missions Then domestic interference was the grievance, now it was the purpose. And the end of the mission to maintain a right of colored inhabitants to violate a police regulation, which those best informed believed to be necessary to guard against the highest crimes and greatest misfortunes. A like mission was deputed to New Orleans where security to property had rendered similar regulations necessary. All this for the maintenance of a speculative philosophy which sees no guilt in crimes flowing from it, and asks for no practical result. Of all who engage in this agitation on the question of slavery, this indecent intrusion on the domestic affairs of others, I ask what remedy do you propose? We have heard you denounce

it in coarsest abuse. We have felt your interference by legislative enactment to render our property less secure, by individual organization to seduce our slaves from comfort and contentment, to turn them pennyless upon a community where they are despised and oppressed, and in a climate to which, by constitution, they are unsuited. We have seen you unite with our foreign enemies to defame us, and join those who, for commercial purposes, have warred against slavery as the cause of our supremacy in the cotton market of the world. But we have not seen the good you have done, or any other effect you have wrought than to generate distrust among the whites, and to produce a necessity for increased rigor over the slaves. What then do you propose? You speak of emancipation, but you know that immediate emancipation is impracticable; that if the States would consent, the Treasury of the Federal Government would not approximate the purpose. More than this, you know that without slaves cotton could not be produced to supply your factories, and that ruin and want would stalk over your own villages, where now wealth and plenty reign. What prompts to your agitations. Not an instinctive opposition to involuntary servitude, as is shown by your readiness to give validity to the Mexican laws over California and New Mexico, and thus continue the Peon system, far more harsh and repulsive to my mind than our domestic slavery. Liable to the same abuses, but without the controlling restraint which interest and the relation of permanent dependence creates in the case of the slave. Is it love for the African? No! his civil disability, his social exclusion, the laws passed by some of the non-slave States to prevent him if free, from settling within their limits, show beyond the possibility of doubt that it springs from no affection for the slave. Is it the moral conviction that there cannot be property in persons? No! you imported Africans and sold them as chattles in the slave markets, and you are constantly objecting to their representation as persons in the councils of the Federal Government. Is it because, as has been said in this debate, slavery is a burden on the Government, diminishing its power in peace and in war? If so, let the exports of the country answer, what section of the Union contributes most to supply our Treasury; let the history of our wars reply, as to the number and conduct of the troops which the slaveholding States have given to the service of the country. Those answers must show that this position is wholly untenable. The only conclusion is that you are prompted by the lust of power, and an irrational hostility to your brethren of the South. I say irrational, because an injury inflicted upon us would surely recoil upon you, and because the sons of the South may proudly challenge the citation of an instance when they have opposed the interest of the North, because it was such; or been recusant to any of the compromises of, or under our Constitution.

Whilst Northern men contend that the slave States shall not be extended, by participation in any acquired territories, they should remember, and blush to remember, that Oregon was acquired by a treaty which ceded a large Southern territory, and that Southern men have been, throughout, those who have led in the efforts to secure exclusive possession of Oregon. Floyd, Benton, and Linn stopped not to balance political power, nor paused from their labors to secure Oregon to the settlement and use of our own people, because its climate and productions indicated the future erection of non-slave States. I have claimed for Southern men that they have faithfully adhered to all compromises. Is there one which has been fully kept by the opposite party? The ordinance of 1787, which may be considered a compact by subsequent acquiescence of the States, contained a provision for the restoration of fugitive slaves, that being the only consideration given to the South. It has been flagrantly violated. In establishing the ratio of representation the South compromised by deducting two fifths of the persons held to service, and the North has been, from that time to this, endeavoring to get rid of the compromise. Without a shadow of propriety, the admission of Missouri as a State of the Union was opposed because of her domestic institutions; the slave States, to secure harmony, conceded that slavery should be excluded from all the remaining part of the territory which was north of 36° 30′; but now, when other territory is acquired, the North assert it all to be free territory, and refuse to declare the territory south of 36° 30′ to be open to the introduction of slaves, as good faith would require, if their assertion were tenable, and the territory in fact not equally open to the property of all the people of the United States. But inflamed by success in former contests, you march boldly to the conflict, and demand the whole. The mask is off, the purpose is avowed, that there shall be no further extension of "the slave power." The question is before us, it is a struggle for political power, and we must meet it at the threshold. Concession has been but the precursor of further aggression, and the spirit of compromise has diminished as your relative power increased. The sacrifices which the South has in other times made to the fraternity and tranquility of the Union, are now cited as precedents against her rights. To compromise is to waive the application, not to surrender the principles, on which a right rests, and surely gives no claim to further concession. It has been said that we are contending for an abstraction, a thing of no practical importance. If so, then why is it so obstinately resisted? Do you wish to gain another and a broader precedent for future use? The course of this debate justifies the supposition, and demands caution on our part. If to contend for principle the practical effect of which may be remote, is an abstraction, then, sir, the war of the revolution and the war of 1812, so far as the South was concerned, were both fought for abstractions. In the colonial condition the southern States were especially fostered by Great Britain, and their prosperity was rapidly

increasing at the commencement of hostilities against the mother country. The acts of unjust and oppressive legislation were applied to the northern colonies. Sympathy, fraternal feeling, and devotion to principle, brought the South to your side in your first step to resistance. Again, in the war of 1812, it was your seamen, not ours, who were impressed, and again from devotion to principle and the obligations of our alliance, the South stood foremost in that conflict. The blood of her sons stained the battle-fields from Niagara to New Orleans; her exports, main dependence for her support, were cut off, and distress came to every hamlet and cottage; yet she murmured not, railed not, raised not the standard of opposition against the Government whilst engaged in a foreign war.

I have said that the South has, on all occasions, been prompted by a sincere desire for domestic tranquillity and an ardent love for the Union. The conduct of her sons on this occasion has, I think, sustained her past character. To prevent further agitation, to secure peace, to perpetuate our Union, I am willing to go as far as my principles will allow. To compromise it is necessary that both parties should, to some extent, yield. To prevent continuance of the agitation, it is necessary that the conditions of the compromise should be express; that nothing should be left to doubtful construction. Finally, the value of any compromise we may make must depend on the feelings of those for whom it is made, and to whom it is entrusted. If the spirit of compromise has departed from our people, it is idle to propose its forms. If the principles of the Constitution are to be disregarded by a self sustaining majority, the days of the confederation are numbered. The men who have encountered past wars for the maintenance of principle, will never consent to be branded with inferiority; pronounced, because of the domestic institutions, unworthy of further political growth. If such be your determination, it were better that we should part peaceably, and avoid staining the battle fields of the revolution with the blood of civil war. Abraham said to his nephew, Lot, when strife arose among their people, "Go thou to the right hand, and I will go to the left, and let there be peace between us."

If the folly, and fanaticism, and pride, and hate, and corruption of the day, are to destroy the peace and prosperity of the Union, let the sections part like the Patriarchs of old, and let peace and good will subsist among their descendants. Let no wounds be inflicted which time may not heal. Let the flag of our Union be folded up entire, the thirteen stripes recording the original size of our family, untorn by the unholy struggles of civil war; its constellation to remain undimmed, and speaking to those who come after us, of the growth and prosperity of the family whilst it remained united. Unmutilated let it lie among the archives of the Republic, on some future day when wiser counsels shall prevail; when men have been sobered in the school of adversity, again to be unfurled over the continent-wide Republic.

Sir, can it be possible that we have those among us who are willing to hazard such fearful results for the paltry consideration of political supremacy over those who do not possess the power, and have never shown the desire to intrude on the domestic affairs, to impede the growth, or to mar the prosperity of their Northern brethren? Can such consideration palliate this crusade against the South? Shall the fabric of human liberty and republican government, which was founded and built by the wisest and purest of our land, and left as a heritance for their children forever, be torn down by the first generation which succeeded to it, and left in ruin; an object for the republican's pity, the monarchist's scorn.

I hear and see the agitation of politicians, but from those I turn to the people; in their patriotism and good sense is my hope and confidence. They have no interest beyond the public good. To them, in this critical emergency, this imminent hazard, I look for safety, trusting that they will reject every interpolation on our compact which may endanger the perpetuity of our Union, and consign to the obscurity they merit every demagogue who caters to popular excitement, and seeks to elevate himself by an agitation which draws in its train the destruction of the compromises, the subversion of the principles on which the durability of our confederacy depends.

Mr. President: I have intentionally extended my remarks to many points not involved in the amendment I proposed to the Senate. That amendment was confined to the case presented by the bill under consideration, which, though not in terms, does in fact, as I have shown, authorize the prohibition of slavery in Oregon. It asks no additional guarantee, no privilege, no concession, but is to prevent a construction which would recognize in the Federal Government, as in those who derive their authority from it, power to control the subject of slavery without the concurrence of the States. If this amendment be rejected, I shall view it as ominous of the future, and stand prepared for whatever consequences may follow.

# APPENDIX.

## LETTER OF JEFFERSON DAVIS, TO C. J. SEARLES, ESQ.

Published in the newspapers of Mississippi, and generally approved by the people, thereby showing, not merely the opinions of the writer, but the feeling of those whom he now represents, in favor of conciliation and fraternity.

BRIERFIELD, *September*, 19, 1847.

MY DEAR SIR: Your highly valued letter of the 3d instant came duly to hand, but found me quite sick, and I have not been able at any earlier date to reply to it. Accept my thanks for your kind solicitude for my welfare.

Your past conduct enabled me to anticipate this from you and I am therefore doubly grateful.

The political information you communicate was entirely new to me, and it is only under the belief that the crisis renders important the views of every Southern man, that I can account for any speculations having arisen about my opininions as to the next Presidency. I have never anticipated a separation upon this question from the Democracy of Mississippi, and if such intention or expectation has been attributed to me, it is not only unauthorized, but erroneous.

That it might become necessary to unite as Southern men, and to dissolve the ties which have connected us to the Northern Democracy; the position recently assumed in a majority of the non-slaveholding States has led me to fear. Yet, I am not of those who decry a national convention, but believe that present circumstances with more than usual force indicate the propriety of such meeting. On the question of Southern institutions and Southern rights, it is true that extensive defections have occurred among Northern Democrats, but enough of good feeling is still exhibited to sustain the hope, that as a party they will show themselves worthy of their ancient appellation, the natural allies of the South, and will meet us upon just constitutional ground. At least I consider it due to former association that we should give them the fairest opportunity to do so, and furnish no cause for failure by seeming distrust or aversion.

I would say then, let our delegates meet those from the North, not as a paramount object to nominate candidates for the Presidency and Vice-Presidency, but before entering upon such selection, to demand of their political brethren of the North, a disavowal of the principles of the Wilmot Proviso; an admission of the equal right of the South with the North to the Territory held as the common property of the United States; and a declaration in favor of extending the Missouri compromise to all States to be hereafter admitted into our confederacy.

If these principles are recognized, we will happily avoid the worst of all political divisions, one made by geographical lines merely. The convention representing every section of the Union, and elevated above local jealousy and factious strife, may proceed to select candidates, whose principles, patriotism, judgement, and decision, indicate men fit for the time and the occasion.

If, on the other hand, that spirit of hostility to the South, that thirst for political dominion over us, which within two years past has displayed such increased power and systematic purpose, should prevail; it will only remain for our delegates to withdraw from the convention, and inform their fellow-citizens of the failure of their mission. We shall then have reached a point at which all party measures sink into insignificance, under the necessity for self-preservation; and party divisions should be buried in union for defence.

But until then, let us do all which becomes us to avoid sectional division, that united we may go on to the perfection of Democratic measures, the practical exemplification of those great principles for which we have struggled, as promotive of the peace, the prosperity, and the perpetuity of our confederation.

Though the signs of the times are portentous of evil, and the cloud which now hangs on our Northern horizon threatens a storm, it may yet blow over with only the tear drops of contrition and regret. In this connection it is consolatory to remember, that whenever the tempest has convulsively tossed our Republic and threatened it with wreck, brotherly love has always poured oil on the waters, and the waves have subsided to rest. Thus may it be now and forever. If we should be disappointed in such hopes, I forbear from any remark upon the contingency which will be presented. Enough for the day will be the evil thereof, and enough for the evil, will be the union and energy and power of the South.

I hope it will soon be in my power to visit you and other friends at Vicksburg, from whom I have been so long separated. I am, as ever, truly your friend.

C. J. SEARLES, Esq. JEFFERSON DAVIS.

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## LETTER FROM MR. MONROE, IN ANSWER TO A LETTER FROM MR. JEFFERSON.

WASHINGTON, *May*, 1820.

"DEAR SIR: I have received your letter of the 14th, containing a very interesting view of the late treaty with Spain, and of the proceedings respecting it here. If the occurrence involved in it nothing more than a question between the United States and Spain, or between them and the colonies, I should entirely concur in your views of the subject. * * * * It is altogether

internal, and of the most distressing nature and dangerous tendency. You were apprised by me, on your return from Europe, of the true character of the negotiation, which took place in 1785–'6, with the minister of Spain, for shutting up the mouth of the Mississippi, a knowledge of which might have been derived in part from the journal of Congress, which then came into your hands. That was not a question with Spain in reality, but one among ourselves, in which her pretensions were brought forward in aid of the party at the head of that project. It was an effort to give such a shape to our Union as would secure the dominion over it to its eastern section. It was expected that dismemberment by the Alleghany mountains would follow the exclusion of the river, if it was not desired, though the latter was then, and still is, my opinion. The Union then consisted of eight navigating and commercial States, with five productive, holding slaves; and, had the river been shut up, and dismemberment ensued, the division would have always been the same.

"At that time, Boston ruled the four New England States; and a popular orator in Faneuil Hall ruled Boston. Jay's object was to make New York a New England State, which he avowed on his return from Europe, to the dissatisfaction of many in that State, whose prejudices had been excited in the revolutionary war by the contest between New York and those States, respecting interfering grants in Vermont. It was foreseen by those persons that, if the Mississippi should be opened, and new States be established on its waters, the population would be drawn thither, the number of productive States be proportionably increased, and their hope of dominion on that contracted sectional scale be destroyed. It was to prevent this that that project was formed. Happily it failed; and since then our career, in an opposite direction, has been rapid and wonderful.

'The river has been opened, and all the territory dependent on it if acquired; eight States have already been admitted into the Union in that quarter; a ninth is on the point of entering, and a tenth provided for exclusive of Florida. This march to greatness has been seen with profound regret by those in the policy suggested; but it has been impelled by causes, over which they have had no control. Several attempts have been made to impede it; among which the Hartford Convention, in the late war; and the proposition for restricting Missouri, are the most distinguished. The latter measure contemplated an arrangement, on the distinction solely between slaveholding and non-slaveholding States, presuming that, on that basis only, such a division might be founded as would destroy, by perpetual excitement, the usual effects proceeding from difference in climate, the produce of the soil, the pursuits and circumstances of the people, and marshal the States, differing in that circumstance, in unceasing opposition and hostility to each other.

"To what account this project, had it succeeded to the extent contemplated, might have been turned, I cannot say. Certain, however, it is, that, since 1786, I have not seen so violent and perservering a struggle, and, on the part of some of the leaders in the project, for a purpose so unmasked and dangerous. They did not hesitate to avow that it was a contest for power only, disclaiming the pretext of liberty, humanity, &c. It was always manifest that they were willing to risk the Union on the measure, if, indeed, as in that relating to the Mississippi, dismemberment was not the principal object. * * * * By putting a stop to the proceeding, time has been given for the passions to subside, and for calm discussion and reflection, which have never failed to produce their proper effect in our country. * * * * * *

"From this view, it is evident that the further acquisition of territory to the West and South involves difficulties of an internal nature, which menace the Union itself. * * * * When we meet in Albemarle we will communicate further on the subject.

"With respect and sincere regard, yours,

"JAMES MONROE."

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## RESOLUTIONS FROM THE DIFFERENT STATE LEGISLATURES IN RELATION TO SLAVERY IN THE TERRITORIES, AND THE ADMISSION OF SLAVE STATES INTO THE UNION.

RESOLUTION OF VERMONT.—*January 28th*, 1847.

The Legislature of Vermont adopted a Resolution to the effect, that it will not give its countenance, aid, or assent to the admission into the Federal Union, of any new State whose constitution tolerates slavery, and appeals to each of the other States to concur in that declaration, accompanied by another, instructing its Senators and Representatives in Congress to use their best efforts to carry the resolution into effect.

RESOLUTIONS OF NEW YORK.—*February 6th*, 1847.

*Resolved*, That if any territory is hereafter acquired by the United States, or annexed thereto, the act by which such territory is acquired or annexed, whatever such act may be, should contain an unalterable fundamental article or provision, whereby slavery or involuntary servitude, except as a punishment for crime, shall be forever excluded from the territory acquired or annexed.

RESOLUTION OF PENNSYLVANIA.—*February 8th*, 1847.

The Legislature of the State of Pennsylvania adopted a resolution, requesting their Senators and Representative in Congress, to vote against any measure whatever by which territory will

accrue to the Union, unless as a part of the fundamental law upon which any contract or treaty for this purpose is based, slavery or involuntary servitude, except for crime, shall be forever prohibited.

RESOLUTIONS OF OHIO.—*February 15th*, 1847.

That the Senators and Representatives from this State in the Congress of the United States be, and are hereby respectfully requested, to procure the passage of measures in that body, providing for the exclusion of slavery from the Territory of Oregon, and also from any other territory that now is, or hereafter may be annexed to the United States.

*Resolved by the General Assembly of the State of Ohio, May 3d*, 1848, That the provisions of the ordinance of Congress of one thousand seven hundred and eighty-seven, so far as the same relates to slavery, should be extended to any territory that may be acquired from Mexico by treaty or otherwise.

RESOLUTION OF NEW JERSEY.—*February 19th*, 1847.

The Resolution adopted by the Legislature of New Jersey, instructs their Senators and Representatives in Congress to use their best efforts to secure, as a fundamental condition to any act of annexation of any territory hereafter to be acquired by the United States as an indemnity for claims, that slavery or involuntary servitude, except as punishment for crime, shall be forever excluded from the territory to be annexed.

RESOLUTION OF NEW HAMPSHIRE, *February 19th*, 1847.

That the Senators and Representatives in Congress from this State, be respectfully requested to urge the passage of measures for the extinction of slavery in the District of Columbia, for its exclusion from Oregon, and other territories, that now, or at any time hereafter may belong to the United States, for all constitutional measures for the suppression of the domestic slave trade, and to resist the admission of any new State into the Union while tolerating slavery.

RESOLUTION OF MICHIGAN.—*March 1st*, 1847.

That in the acquisition of new territory, whether by purchase, conquest, or otherwise, we deem it the duty of the General Government to extend over the same the Ordinance of 1787, (being the one prohibiting slavery northwest of the Ohio with all its rights and privileges, conditions and immunities.

RESOLUTIONS OF MASSACHUSETTS.—*March 1st*, 1847.

*Resolved, unanimously*, That the Legislature of Massachusetts views the existence of human slavery within the limits of the United States as a great calamity, and immense moral and political evil, which ought to be abolished as soon as that end can be properly and constitutionally attained, and that its extension should be uniformly and earnestly opposed by all good and patriotic men throughout the Union.

*Resolved, unanimously*, That the people of Massachusetts will strenously resist the annexation of any new territory to this Union, in which the institution of slavery is to be tolerated or established; and the Legislature in behalf of the people of this Commonwealth, do hereby solemnly protest against the acquisition of any additional territory without an express provision by Congress, that there shall be neither slavery nor involuntary servitude in such territory, otherwise than for the punishment of crime.

RESOLUTIONS OF MAINE.—*August 3d*, 1847.

*Resolved*, That the sentiment of this State is profound, sincere, and almost universal, that the influence of slavery upon productive energy is like the blight of mildew; that it is a moral and social evil; that it does violence to the rights of man, as a thinking, reasonable, and responsible being. Influenced by such considerations, this State will oppose the introduction of slavery into any territory which may be acquired as an indemnity for claims upon Mexico.

*Resolved*, That in the acquisition of any free territory, whether by purchase or otherwise, we deem it the duty of the General Government to extend over the same the Ordinance of seventeen hundred and eighty-seven, with all its rights and privileges, conditions and immunities.

RESOLUTION OF THE LEGISLATURE OF CONNECTICUT.—*December 20th*, 1847.

*Resolved*, That if any territory shall hereafter be acquired by the United States, or annexed thereto, the act by which such territory is acquired or annexed, whatever such act may be, should contain an unalterable fundamental article or provision whereby slavery or involuntary servitude, except as a punishment for crime, shall be forever excluded from the territory acquired or annexed.

RESOLUTIONS OF THE LEGISLATURE OF WISCONSIN.—*Date of certificate of the Secretary of State, June 21st*, 1848.

*Resolved*, That the existence of slavery in this country is to be deeply deplored, that its extension ought to be prohibited by every constitutional barrier within the power of Congress; that in the admission of new territory into the Union, there ought to be an inhibitory provision against its introduction.

*Resolved*, That our Senators in Congress be, and they are hereby instructed, and our Representatives are requested to use their influence to insert into the organic act for the government of any new territory already acquired, or hereafter to be acquired, that is now free; an ordinance forever prohibiting the introduction of slavery, or involuntary servitude into said territory, except as a punishment for crime, of which the parties shall have been duly convicted according to law.

*Table showing the estimated surface of the Territories of the United States north and west of the regularly organized States of the Union, and the portions of territory thereof situated north and south of the parallel of 36° 30′ north latitude.*

| TERRITORIES. | Situated north of parallel 36° 30′. | | Situated south of parallel 36° 30′. | | Total. | |
|---|---|---|---|---|---|---|
| | Square Miles. | Acres | Square Miles. | Acres. | Square Miles. | Acres. |
| Oregon Territory.—Bounded on the north by the parallel of 49° north latitude, south by the parallel of 42° north latitude, east by the Rocky Mountains, and west by the Pacific Ocean | 341.463 | 218.536.320 | ..... | ..... .... | 341.463 | 218.536.320 |
| Territory North and West of the Mississippi River.—Bounded on the north by the 49° north latitude, east by the Mississippi river, south by the State of Iowa and the Platte river, and west by the Rocky mountains | 723.248 | 462.878.720 | ..... | ..... | 723.248 | 462.878.720 |
| Wisconsin Territory.—East of the Mississippi river, and north of the State of Wisconsin, being the balance remaining of the old North-west Territory | 22.336 | 14.295.040 | ..... | ..... | 22.336 | 14.295.040 |
| Indian Territory.—Situated west of the States of Missouri and Arkansas, and south of the Platte or Nebraska river, held and apportioned in part for Indian purposes | 190.505 | 121.923.200 | 58.346 | 37.341.440 | 248.851 | 159.264.640 |
| Territory in Upper California and New Mexico.—West of the Rio Grande to its source, and of a meridian line thence to the 42° north lat., ceded to the U. S. by the treaty with Mexico of 1848. | 321.695 | 205.884.800 | 204.383 | 130.805.120 | 526.078 | 336.689.920 |
| | 1.599.247 | 1.023.515.080 | 262.729 | 168,146.560 | 1.861.976 | 1.191.664.640 |
| Add the Territory which lies east of the Rio Grande, and north of El Paso, up to lat. 42° north, and outside of the limits of Texas, as shown on Disturnell's map | 43.537 | 27.863.680 | 81.596 | 52.093.440 | 124.933 | 79.957.120 |
| | 1.642.784 | 1.051.378.760 | 344.325 | 220.240 600 | 1.986.909 | 1.271 621.760 |

The estmates of the above table were made by the Commissioner of the General Land Office, and furnish the most accurate and authentic information. From them two proportions may be derived showing the relative amount of Territory north and south of the Missouri compromise line, or parallel of 36° 30′ north latitude.

Excluding all the territory claimed by Texas as in the first division of the table. The territory north of latitude 36° 30′ : territory south of 36° 30′ :: 6.08 : 1.

Including the territory which lies west of the boundary of Texas, as designated on the map of the recent treaty with Mexico, east of the Rio Grande, and north of El Paso. The territory north of latitude 36° 30′: territory south of 36° 30′ :: 4.77 : 1.

Adopting the comparison which shows the least disparity, it appears, that if the line of the Missouri compromise were extended to the Pacific, there would be more than four times as much of the territory lying beyond the limits of the organized States, upon the northern as upon the southern side of that parallel.